IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Bail Appl..No. 7192 of 2006()

AGAINST THE ORDER IN BA.2119/2006 Dated 19/04/2006
CRIME NO.21/2006 OF IRIKKUR POLICE STATION

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PETITIONER

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1. PUTHIYAPURAYIL ASMA, W/O.ASSU,
AGED 60 YEARS, PUTHIYAPURAYIL HOUSE,
IRIKKUR AMSOM, CHERUVANNI, KANNUR DISTRICT.

2. P.P.SUDIQUE, S/O.ASSU,
AGED 18 YEARS, PUTHIYAPURAYIL HOUSE,
IRIKKUR AMSOM, CHERVANNI, KANNUR DISTRICT.

BY ADV. SMT.K.K.CHANDRALEKHA

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. Ramkumar, J.

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B.A.No.7192 of 2006

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Dated this the 6th day of December, 2006.

ORDER

Petitioners, who are accused Nos. 2 and 3 in Crime No.21 of 2006 of Irikkur Police Station for offences punishable under Sections 4 and 5 of Explosive Substance Act, 1908, seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. 238 detonators, seven meters fuse wires and three bundles of ammonium nitrate were recovered from the building of which the petitioners are admittedly the owners. According to the petitioners, the building was given on oral lease to the first accused in the case. It is too early to conclude that the petitioners had nothing to do with the explosives seized from their building. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not seek regular bail after surrendering before the Magistrate concerned. Accordingly, if the petitioners surrender before the

Magistrate concerned and file an application for regular within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed.

With this observation, this application is dismissed.

V.Ramkumar,
Judge.

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